



PAWN SHOPS

PHOENIX POLICE DEPARTMENT

Rev. 10/15

Operations Order

8.7.00

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1. **PROCEDURES FOR RECOVERY/DISPOSITION OF REPORTED STOLEN PROPERTY FROM PAWN SHOPS/SECONDHAND/SCRAP METAL DEALERS AND AUCTION HOUSES**

A. Purpose - This policy will standardize the operation of Departmental investigative units and uniform patrol reference:

- (1) Placing a HOLD on stolen property
- (2) Seizing and impounding stolen property
- (3) Required documentation
- (4) Correct disposition of reported stolen property

B. Placing a HOLD on Stolen Property - Per [Phoenix City Code \(PCC\)19-80](#), after determining probable cause exists that stolen property is in the possession of a particular pawnshop, secondhand dealer, scrap metal dealer, or auction house, officers may elect to place a HOLD, rather than seize the property.

- (1) A verbal or written HOLD may be placed on property with the business in possession of the property.
 - Ensure the business is given the report number for reference
 - Property may be held for a maximum of 90 days from the date of the HOLD.
- (2) An Incident Supplement will be completed indicating the property was placed on HOLD.
 - The Incident Supplement will include the store number and a complete description of the property, including the brand name and serial number in the Property section of the IR.
- (3) When property is placed on HOLD, an **email will be** sent to the Pawnshop Detail, at pawnshop@phoenix.gov, by the end of shift, with the following information:
 - Serial number of the officer who placed the HOLD on the property
 - Store number and ticket number
 - Incident Report (IR) number
 - Complete description of the property, including the brand name and serial number
- (4) The Pawnshop Detail will be responsible for entering the property in the records management system (RMS) Pawn Shop module and mailing a written "Notice of Hold" to the involved business within two days of the verbal "HOLD", excluding weekends and City holidays.
 - The "Notice of Hold" shall include:
 - * Complete description of the property, including the brand name and serial number
 - * Report number
 - * Name of the detective handling the investigation
- (5) When an item is seized or the HOLD is released, the assigned detective will be responsible for sending the Pawnshop Detail a "Workflow" notification.
- (6) Upon completion of the investigation and/or when the property is no longer needed, and a court or hearing officer has not made a court-ordered disposition, the following may be required:



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1. B. (6) (a) If the business owner and the reported victim have agreed upon the disposition of the recovered property and the pawnshop/secondhand/scrap metal dealer or auction house has possession of the property, no civil hearing is required.
 - (b) If the Department has possession of the property and probable cause to believe the property stolen still exists, a civil hearing is required unless all persons entitled to notice have agreed upon the disposition of the property.
 - Before property is released, the assigned detective should have satisfactory proof that all persons entitled to notice have agreed to the disposition of the property.
 - (c) The victim has 60 days after the date of the notice to take action to claim the property.
 - (d) If the victim fails to take action within 60 days, the affected business may dispose of the property on or after the sixty-first day and may treat the property as regularly acquired in the due course of business.
 - (e) At **no** time will officers return the property to the victim, unless ordered to do so by a court order, hearing officer, or unless the business representative and reported victim have made a mutually agreed upon settlement for the property.
 - All circumstances will be documented.
- C. Seizing and Impounding Stolen Property: Nothing in this policy prohibits officers who have probable cause to believe stolen property is located in the premises of a pawnshop, secondhand dealer, scrap metal dealer, or auction house, from seizing the property and impounding it in a criminal investigation.
- (1) When it becomes necessary to seize reported stolen property from the affected business, a Phoenix Police Department Seizure Form 80-588D will be completed and given to the responsible party from whom the property is being taken.
 - This form serves as a receipt.
 - The seized property will be impounded as Evidence.
 - If any problems are encountered, officers may contact the Pawnshop Detail at 602-534-3337 for assistance during normal business hours.
 - Contact the Metal Theft Detail at the Property Crimes Bureau (PCB) with any questions involving scrap metal dealers.
 - (2) If the reported stolen property is seized and impounded, it may not be released to the victim or the business from which it was seized, unless there is an agreement between the parties or an order from a court or hearing officer.
- D. Transmittal of Alleged Stolen Property to Another Law Enforcement Jurisdiction
- (1) Property found to be stolen from another jurisdiction may be seized and returned to the original jurisdiction.
 - (2) A copy of [PCC 19-23](#) will accompany the letter requesting return of the property to this jurisdiction when it is no longer needed for court purposes.
 - (3) The Property Management Unit (PMU) will be responsible for returning property to the original jurisdiction.

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1. E. Civil Hearing Process for Disposition of Recovered Property

- (1) When the assigned detective no longer has a need for the recovered stolen property, [PCCs 19-20 through 19-31](#) will be complied with.
- (2) Assigned detectives will be responsible for:
 - (a) Confirming no charges relating to the stolen property are outstanding against the suspect
 - (b) Confirming the property is still in the possession of the Department and/or the pawnshop/secondhand/scrap metal dealer and auction house dealer
 - (c) Identifying and listing all potential respondents on the petition (including insurance companies, if applicable)
 - (d) Completing an Incident Supplement, attaching the petition for hearing and all documentation to the Incident Supplement, and sending the Pawnshop Detail a "Workflow" notification.
- (3) The Pawnshop Detail will be responsible for scheduling the hearing and notification of respondents.
- (4) The hearing officer's decision will be forwarded to the assigned detectives by the Pawnshop Detail for disposition of the property.
- (5) If criminal charges relating to the stolen property are pending, and the victim/s request/s his/her property be returned, and neither the prosecutor nor detective object, the victim/s may contact the Maricopa County Witness Division at 301 West Jefferson, 9th floor, Superior Court Building, to file a petition with the court for a disposition hearing regarding the property.

Last Organizational Review: